

Safely Surrendered Baby Report to the Legislature



STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

HEALTH AND HUMAN SERVICES AGENCY
Michael Wilkening, Secretary

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
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LEGISLATIVE MANDATE

The Safely Surrendered Baby (SSB) law became operative January 1, 2001, with the enactment of [Senate Bill \(SB\) 1368](#) (Brulte, Chapter 824, Statutes of 2000). The California Department of Social Services (CDSS) submitted reports to the Legislature in 2003 and 2005 regarding the effectiveness of the SSB law.

[Assembly Bill \(AB\) 1048](#) (Torrico, Chapter 567, Statutes of 2010), requires CDSS to report to the Legislature on the effectiveness of the SSB law as follows:

On or before January 1, 2013, and, each subsequent year, contingent upon availability of sufficient funding, CDSS shall report to the Legislature regarding the effect of AB 1048, including, but not limited to, all of the following information, as initially required by SB 1368:

- (a) The number of children one year of age or younger who are found abandoned, dead or alive, in the State for each year in which reporting is required under this act.
- (b) The number of infants surrendered pursuant to this act, with their approximate age.
- (c) The number of medical history questionnaires completed in those cases.
- (d) The number of instances in which a parent or other person having lawful custody seeks to reclaim custody of a surrendered child, both during and after the initial period following surrender, and the outcome of those cases.
- (e) Whether a person seeking to reclaim custody is the individual who surrendered the child.
- (f) The number of children surrendered pursuant to this act who show signs of neglect or abuse and the disposition of those cases.
- (g) The number of parents or legal guardians eventually located and contacted by social workers.

Additional copies of this report can be obtained from:

California Department of Social Services
Office of Legislation
744 P St., MS 8-16-32
Sacramento, CA 95814
(916) 657-2623

This report also may be obtained on the CDSS website: www.babysafe.ca.gov

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EXECUTIVE SUMMARY

A total of 88 infants were safely surrendered in 2017, of whom five were reclaimed by a parent. This brings the total number of safely surrendered children to 949 since the law was implemented in 2001.

The Safe Surrender Baby law has been a success, with the rate of abandonments decreasing from 25 cases in 2002 to six or fewer cases per year since 2010. This is an 80 percent decrease in infant abandonments statewide in the past sixteen years.

One child was found abandoned alive in 2017. There were no abandoned deceased children reported in 2017, the third year in a row since the law began in 2001 in which California has completely avoided the tragedy of infant death as a consequence of abandonment.

The California Department of Social Services' (CDSS) Office of Child Abuse Prevention (OCAP) continues to print and disseminate updated outreach materials and to promote the SSB program. The outreach materials are available in four languages, including English, Spanish, Chinese and Russian. The CDSS continues to promote the visibility of SSB site locations through the dissemination of updated signage for sites. There has also been continued promotion of the SSB hotline, 877-BabySaf.

HISTORY

Since 2001, California has responded to the issue of infant abandonment by providing a life-saving alternative to distressed parents who are unwilling or unable to care for a newborn child. Through the enactment of [SB 1368](#) (Brulte, Chapter 824, Statutes of 2000), a parent or individual having lawful custody of a newborn is granted immunity from criminal prosecution for specific crimes relating to child abandonment if the parent or surrendering individual surrenders the baby at a hospital or other designated safe surrender site within 72 hours of the child's birth.

The SSB law, also known as "Safe Arms for Newborns" or the safe haven law, created [Health and Safety Code Section 1255.7](#) and [Penal Code Section 271.5](#), in response to several high-profile media stories about infant abandonment. The law became effective January 1, 2001. It is intended to save the life of a child by encouraging parents to safely surrender their infant at a designated safe surrender site rather than abandoning the baby in an unsafe location or otherwise harming the baby.

Since the implementation of the SSB law, several changes have taken place to enhance the program's effectiveness. The implementation of [AB 2817](#) (Maddox, Chapter 1099, Statutes of 2002) required school districts to include information about the SSB law in sex education classes. The legislation [SB 139](#) (Brulte, Chapter 150, Statutes of 2003) clarified the definition of a "safe surrender site," allowing any surrender site on-duty personnel to accept physical custody of the child, and introduced the mandatory statewide SSB logo. The SSB law was originally written to sunset in 2006 however, [SB 116](#) (Dutton, Chapter 625, Statutes of 2005) extended the provisions of the SSB law indefinitely. [AB 1048](#) (Torrico, Chapter 567, Statutes of 2010), requires CDSS to report to the Legislature annually on the effectiveness of the SSB law.

METHODOLOGY

This Safely Surrendered Baby Report to the Legislature provides updates on Safely Surrendered and abandoned infants in 2015 and 2016 and reports out for the first time on infants who were surrendered or abandoned in 2017.

Safely Surrendered Babies

A Safely Surrendered Baby is defined by the following criteria:

- 72 hours of age or younger **AND**
- Voluntarily surrendered by a parent or an individual with lawful custody **AND**
- Surrendered to personnel on duty at a designated safe surrender site

Data Collection for Safe Surrenders:

1) Child Welfare Services/Case Management System (CWS/CMS)

In All County Letter [02-01](#), counties were instructed to track all Safely Surrendered Babies using the CWS/CMS data system. On a quarterly basis, the CDSS reviews data that has been entered into the SSB Special Project Code in CWS/CMS. Additionally, CDSS regularly reviews all children who are identified as “abandoned” in CWS/CMS to ensure that all babies who are surrendered are appropriately identified and recorded.

2) State of California (SOC) 880 forms

In 2012, the CDSS began requesting counties to report Safe Surrendered Babies using the SOC 880 form. This form is filled out by the county social worker and submitted to CDSS via confidential email. The information in the SOC 880s is reconciled with the data pulled from CWS/CMS each quarter.

Abandoned Infants

The data on abandoned infants in this report includes children who meet the following criteria:

- One year of age or younger **AND**
- Abandoned in a public or private location and survive the abandonment **OR**
- Deceased as the result of infanticide, lack of attention following delivery or exposure to the elements following abandonment.

Excluded from data collection are the following cases:

- Infants “abandoned” in the care of persons, even those who are strangers to the parent.
-

Data Collection for Infant Abandonments:

1) CWS/CMS

Abandoned infants are tracked in the CWS/CMS system with the allegation of “Caretaker Absence/Incapacity.” The CDSS staff reviews these cases to determine which meet the definitions listed above.

2) Media

The CDSS also monitors and tracks statewide media for reports of abandoned infants.

3) Sources for Data on Abandoned Deceased Infants

Information on abandoned deceased infants is additionally obtained through SOC 826 reports submitted to the CDSS for the purposes of reporting a child fatality, and data from the Fatal Child Abuse and Neglect Surveillance (FCANS) system, maintained by the Department of Public Health.

DATA

Number of Safe Surrenders and Infant Abandonments

Year	Safely Surrendered	Reclaimed	Abandoned Deceased	Abandoned Surviving	Total Abandoned
2015	83	7	0	5	5
2016	74	5	0	3	3
2017	88	5	0	1	1

**This data has been reconciled with child death numbers available from the Department of Public Health and the FCANS system and reflects an update on numbers reported in the prior Safely Surrendered Baby Report to the Legislature.*

Safely Surrendered Babies and Their Approximate Age

California law permits children to be surrendered within 72 hours of birth. Majority of babies are surrendered at birth and a small minority of children are surrendered one or two days after birth.

Year	Newborn		One Day Old		Two Days Old		Unknown/ Within 72 Hrs.		Total
2015	72	86.8%	3	3.6%	3	3.6%	5	6%	83
2016	66	89.1%	3	4.1%	2	2.7%	3	4.1%	74
2017	79	89.8%	1	1.1%	1	1.1%	7	8%	88

Safe Surrender Locations

In 2010, in an effort to encourage all mothers to seek professional attention for their labor and delivery, the CDSS instructed counties that children who are left by their mothers at the hospital with no provision for their care should be considered as safely surrendered babies. As

a result, the majority of surrendered babies are born in hospitals and surrendered there, either by explicit request of the mother or by her implicit action of leaving her child with no information or plans to return. This is a positive development as a birth attended by trained medical personnel is a safe option for both the mother and the baby. The presence of a hospital social worker also offers the opportunity to counsel the mother on various options such as adoption, available services, as well as surrender.

Year	Hospital Birth and Surrender		Birth Elsewhere and Hospital Surrender		Fire Station or Other Surrender Site		Unknown/Not Documented		Total
2015	65	78.3%	9	10.8%	8	9.6%	1	1.2%	83
2016	59	79.6%	7	9.5%	1	1.4%	7	9.5%	74
2017	63	71.5%	11	12.5%	4	4.5%	10	11.5%	88

Medical History Questionnaires Completed

During a safe surrender, site personnel must make a good faith effort to provide a medical questionnaire to the surrendering individual. The medical questionnaire inquires as to the parents' ethnicity and medical history in order to gain information that will be helpful to medical staff, the child and the child's adoptive parents. The medical questionnaire is optional and no identifying information is asked. In September 2016, the CDSS released All County Information Notice [I-63-16](#), reminding counties of the importance of providing and tracking the receipt of the medical questionnaire. The reason that the number of cases where it is unknown if the medical questionnaire was offered or accepted is likely due to lack of details in social workers reports. If the medical questionnaire is not mentioned in the case notes, then it is counted as unknown. However, it is possible that these numbers are inflated due to lack of detailed reporting. In 2017, four parents choosing to surrender their babies were not offered the medical questionnaire. The social workers' notes in the CWS/CMS for the surrendered infants indicate that the surrendering parents left the site before they were able to offer the medical questionnaires in all four of these cases.

Year	Offered & Completed		Offered; Not Completed		Total Offered		Declined/ No Chance to Offer		Unknown if Offered		Total SSB
2015	49	59%	6	7.2%	55	66.3%	7	8.4%	21	25.3%	83
2016	27	36.5%	5	6.8%	31	41.9%	7	9.5%	35	47.3%	74
2017	18	20.5%	12	13.6%	30	34.1%	4	4.5%	52	59.1%	88

Reclaimed Safely Surrendered Babies

Under the SSB law, a surrendering parent has a 14-day window in which she or he can reclaim the child. If the child has not been placed with the local Child Welfare Services agency (CWS),

the fire station or hospital personnel must return the baby to the parent immediately, unless the staff has reason to suspect that the child would be at risk of abuse or neglect if returned to his or her parents' care. If CWS has already taken custody of the child, then CWS conducts an assessment of the parents' circumstances and ability to care for the child. If CWS determines the child may safely be released to his or her parents' custody, it will recommend to the juvenile dependency court the release of the child to his or her parents' custody and further recommend the dismissal of the dependency petition. If CWS determines the child would not be safe in the parents' custody absent court supervision, the CWS agency will recommend release of the child to the parents and further recommend that the juvenile dependency court sustain the petition. Under those circumstances, if the juvenile dependency court agrees with CWS recommendations, CWS would provide court-ordered family maintenance services. If the agency determines the child cannot be safely returned to the parents' custody even with court supervision, CWS recommends proceeding with a traditional child welfare case.

In 2017, there were five successful reclaims and one unsuccessful reclaim. All five reclaims were performed by the person who surrendered the baby. The unsuccessful reclaim was attempted by the alleged father, but he did not attend necessary court hearings.

Year	Attempted Reclaims	Reclaim By Person Who Surrendered	Reclaim During 14-Day Period	Successful Reclaims	Unsuccessful Reclaims	Total SSB
2015	8	7	7	7	1	83
2016	5	3	5	5	0	74
2017	6	5	6	5	1	88

Surrendered Children Who Show Signs of Neglect or Abuse

None of the SSBs in 2017 were reported by safe surrender sites as showing signs of neglect or abuse. However, 14 of the 88 SSBs (16 percent) were born drug exposed according to hospital reports. Under California law ([Penal Code Section 11165.13](#)), drug exposure at the time of delivery in and of itself does not constitute abuse or neglect. The number and percent of SSBs with drug exposure began to increase dramatically in 2014. Although, in 2016 the percent significantly decreased and in 2017, continued to decline.

Year	Total SSB	Surrendered with Signs of Abuse or Neglect	Surrendered with Positive Toxicology	Percent Born with Positive Toxicology
2015	83	0	25	30.1%
2016	74	0	14	19.4%
2017	88	0	14	16%

Parents or Guardians Contacted by Social Workers

As the SSB law provides a safe and anonymous means for individuals to surrender rather than abandon a newborn, it is predictable that few parents will be located or contacted. In 2017, no surrendering parents were contacted by social workers based on case notes provided in the CWS/CMS.

Year	Total SSB	Social Worker Contact	Percent
2015	83	0	0%
2016	74	2	2.8%
2017	88	0	0%

POLICY UPDATES

There are no policy updates at this time.

FUTURE PLANS

Improve Reporting Practices

In more than half of the cases it is unclear if the medical questionnaire was offered to the surrendering parent. With 84 percent of newborns being surrendered at hospitals, this number seems high. Currently, the Safely Surrendered Kits that the OCAP provides to sites contain the “Procedures for Accepting a Newborn” document, which specifically instructs site personnel to provide the surrendering parent with the medical questionnaire. Another factor that may be contributing to this number, is a lack detail in the reporting. Case workers may not remember to specify whether the questionnaire was offered during a surrender. As a reminder for social workers, the OCAP is currently drafting a notice detailing the importance of offering the medical questionnaire, as well as procedures for reporting of whether or not it was offered to and accepted by the surrendering parent.

Public Awareness and Outreach

In an effort to ensure consistent and accurate information is shared with surrendering parents, regardless of the site of surrender, the OCAP has developed updated educational and outreach materials in both English and Spanish. Information provided in these materials includes the rights of a surrendering parent, available options such as adoption, and how to access additional information on available services. Additionally, these materials address the specific rights of children covered under the Indian Child Welfare Act (ICWA), which provides special protections for children of Native American descent. These materials continue to be distributed to sites statewide. Additional print copies are available upon request and a digital version is available online for download.

Increasing the Visibility of Safely Surrender Baby Sites

The OCAP has been working to increase the visibility of SSB site locations and to promote the SSB hotline, 877-BabySaf. The OCAP is investigating how to best highlight the location of SSB program sites through online mapping programs. Enhancing the visibility of SSB sites will improve accessibility and further enhance the positive impacts of the SSB law. The OCAP is also providing updated signage to all sites for display to clearly show affiliation with the program.

Safely Surrender Baby Site Packets

The OCAP is currently distributing SSB program site packets free of charge to all California SSB sites upon request. A packet includes matching ID bracelets, voluntary medical questionnaire and informational materials for the surrendering parent or person.

